

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

MICHAEL RUSSELL

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:20-CV-0003-SA-DAS

**CITY OF TUPELO, MISSISSIPPI,
ALLAN GILBERT, in His Individual Capacity,
and BART AGUIRRE, in his Individual Capacity,**

DEFENDANTS

PLAINTIFF'S MOTION TO AMEND PRETRIAL ORDER TO ADD EXHIBIT

Plaintiff Michael Russell moves the Court for authority to amend the Pretrial Order to add Defendants' Answers to Interrogatories as an exhibit. For grounds, Russell shows the Court the following:

1. By inadvertence, Russell failed to list as an exhibit Defendants' Response to Interrogatories.
2. The Response to Interrogatories demonstrates that Defendant City receives federal funds, which is a prerequisite to liability under Title VI of the Civil Rights Act of 1964. Additionally, the Interrogatories list those persons employed as sergeants and list those persons out on leave, tending to discredit the defense that a transfer was made because of a shortage of officers in Patrol.
3. No prejudice is caused to either party by the addition of the exhibit, which was listed as an exhibit to Russell's Response in Opposition to Defendants' Motion for Summary Judgment. *See* Response in Opposition to Defendants' Motion for Summary Judgment, Exhibit CC, Docket 74.

5. The undersigned has contacted defense counsel David O'Donnell, who stated that he does not oppose adding the exhibit to the Pretrial Order, but reserves all objections, including relevancy.

6. Due to the straightforward nature of this motion, Plaintiff Michael Russell requests to be relieved of submitting a supporting memorandum.

RESPECTFULLY SUBMITTED, this the 4th day of November, 2021.

MICHAEL RUSSELL, Plaintiff

By: /s/ Jim Waide

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This will certify that undersigned counsel for Plaintiff has this day filed the above and foregoing with the Clerk of the Court, utilizing this court's ECF system, which sent notification of such filing to the following:

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DATED, this the 4th day of November, 2021.

/s/ *Jim Waide*

JIM WAIDE